

REMARKS/ARGUMENTS

Amendments

The abstract is amended in accordance with the Examiner's suggestions. Additionally, the claims are modified in the amendment, specifically, claims 3, 5, 8, 11, 17 and 25 have been amended. Therefore, claims 1-22 and 24-27 are present for examination.

In the interests of quickly furthering prosecution, claims 3, 5, 8, 11, 17 and 25 are amended according to the Examiner's suggestions. These amendments were not done in relation to any statutory rejection. Further, these amendments do not affect claim scope.

No new matter is added by these amendments. Applicants respectfully requests reconsideration of this application as amended.

Objection to Information Disclosure Statement

Applicants have reviewed 37 CFR 1.98(a)(3) to confirm that there is no requirement for a concise explanation for English-language non-patent literature. Unless there is another statutory basis for not considering these references, Applicants respectfully requests consideration of each listed non-patent literature document by the Office.

35 U.S.C. §112 Rejection

Claims 4, 5 and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. As an initial matter, there is some confusion between the Office Action and the application as filed. The claims recite "a pager message," but the Office Action references the term "a paper message." The correct term is "a pager message" and the following argument is based upon that presumption.

Pagers and wireless phones can receive messages electronically. Both the phone and pager are known to be assigned an electronic address for this purpose. In one example, a phone is given an e-mail address of 3035051212@t-mobile.com and e-mail to that address shows

on the phone as a SMS message. Applicants believe an electronic address can be used to send a message to a pager or wireless phone as a pager message or wireless phone message.

Reconsideration of this rejection is respectfully requested.

The Office Action Appears Incomplete

The Office Action appears to be missing information to complete the rejection. More specifically, on page 4 under the sole heading on that page, it is alleged that claims 1-22 and 24-27 are anticipated by the cited portions of U.S. Patent No. 5,699,528 to Hogan (hereinafter "Hogan"). There follows a two paragraph narrative of the teachings of Hogan without specific reference to the claim(s) being address. "The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 CFR 1.1.04(c)(2) As best understood by the Applicants, the Office Action merely lists a series of phrases from selected claims with some vague reference to Hogan without any explanation. Further, it appears that phrases were not even pulled from claims 14-22 and 24-27 despite their differences from claims 1-13.

Applicants respectfully request identification of the exact passages in the reference that support each claim rejection along with some explanation of how Hogan is being interpreted to suit that rejection. A bill payment site is not even close to a vending site and payment enabler such that Applicants is confused about the theory of rejection. Further, Applicants respectfully request that claims 14-22 and 24-27 be addressed for the first time in any non-final Office Action that should be issued.

35 U.S.C. §102 Rejection, Hogan

The Office Action has rejected claims 1-22 and 24-27 under 35 U.S.C. §102(b) as being anticipated by Hogan. For a valid anticipation rejection, the Office must show that each and every limitation from the claims appears in a single piece of prior art. As discussed above, it is not clear to the Applicants exactly how Hogan is being applied to the claim limitations. For example, is bill payment system in Hogan the "vending site" in the claims; what in Hogan serves as the "payment enabler"; etc.

Applicants believe major limitations from claims 1, 14 and 22 are neither taught nor suggested in Hogan. More specifically, Hogan cannot be relied on to teach or suggest: (1) snippet insertion into listings at a vending site, or (2) a link in the snippet that points a web browser to a payment enabler that can transfer money from the buyer to the seller. Applicants respectfully request that the anticipation rejection be withdrawn for these reasons.

Hogan relates to a bill payment system. In contrast, the claimed invention relates to insertion of HTML snippets or buttons into listings at a vending site. For example, the vending site could be an auction site with listings for items that are to be auctioned. The snippets could be automatically inserted into the listings. Activation of a link in the auction listing could pull up a payment site.

Hogan's bill payment site does not insert snippets into listings at a vending site. The Office Action points to portions of the bill payment site for this. A bill payment site is not a vending site as no good is being sold. Further, there are no links in the inserted snippets back to the bill payment site, presuming the bill payment site is the payment enabler. Reconsideration is respectfully requested.

Interview Request

Should further action be required before allowance of this application, Applicants hereby requests an interview. The subject matter of this application is complex and discussing the issues before further action would be helpful in any further prosecution. The undersigned can be reached by telephone at 303-571-4000.

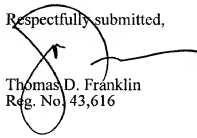
Appl. No. 10/076,036
Amdt. dated January 31, 2007
Reply to Office Action of October 31, 2006

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Respectfully submitted,



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